CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

DECEMBER 1, 2009

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the Pledge of Allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Community Development Appel, Acting Fire Chief Jones, Director of Utilities Sweet, Director of Public Works/City Engineer Whitehead, Acting Director of Administrative Services Harvey, Director of Recreation and Parks Posada, Police Chief Macagni, Advance Planner Smith, Utilities Engineer Kahn, Community Programs Manager Coelho-Hudson, Grants Specialist Alarcon, and Chief Deputy City Clerk Perez.

ANNOUNCEMENTS
Mayor Lavagnino sadly announced the passing of former City Councilmember Leo Trujillo who passed away on Sunday, November 29th. He served two terms on the City Council, from 2000 to 2008, and was Mayor Pro Tem in 2003 and again in 2007. He was always willing to lend a hand and was very active with numerous charitable and non-profit community organizations. He was very proud of his heritage and lived his life with integrity and compassion. He never wavered from trying to improve the quality of life in the community. His philosophy was "do what is right for the people of Santa Maria." He was an example for all and he will be missed.

Mayor Lavagnino recognized Connie Soto for the beautiful holiday wreath hanging in the Council Chambers and the one that will be in the holiday parade.

Mayor Lavagnino stated that at the last meeting there were several people who spoke about gang injunctions. City Manager Ness, City Attorney Trujillo, Councilmember Cordero, and he met with Police Chief Macagni regarding injunctions. He asked Police Chief Macagni to report on his findings.

Police Chief Macagni reported that at the last meeting it was recommended that the Mayor immediately apply for a gang injunction in the City due to a high incidence of gang-related violence over the past several years. He said what was important to know about gang injunctions was that it required specific criteria through an affidavit to a Superior Court Judge prohibiting any documented gang member from congregating in a specific geographic area. It was not taken lightly by the Judge as the injunction request would be asking to restrict the gangs' 1st Amendment right to assemble. It was the Judge's responsibility to carefully review the facts and apply the law appropriately. Staff researched the concept several times in the past and found that there was no specific area in Santa Maria where any gang regularly congregates and commits a high number of crimes, which is a specific requirement for the approval of a Gang Injunction. Staff has carefully looked at several geographical areas within the City; and even though the crime rate in those areas was higher than others, the majority of the documented crimes were not clearly identified as being committed by gang members.

The City addressed the existence of gangs long before many other jurisdictions in the county by creating a gang unit and combining it with the drug unit, thus assigning a total of 10 officers to the investigative unit. In addition, the City currently had a daytime curfew ordinance which allowed police officers to stop and inquire if any juvenile should be in school. There was also a night time curfew ordinance that prohibits juveniles from being out unsupervised after 11:00 at night. Both of these ordinances were utilized to address the juvenile population that were out doing illegal activities, including juvenile gang members who had a tendency to not comply with the law.

The Police Department has conferred with the Cities of Lompoc and Santa Barbara on the gang injunction issue. In Lompoc, they were successful in getting an injunction to encompass a very specific geographical area where the police department could clearly demonstrate through documented statistics that the area was utilized by gang members to congregate and commit a high incidence of crime. However, their ordinance only prohibits fighting and wearing gang attire in the restricted zone. This type of very specific set of facts did not exist in Santa Maria. Santa Barbara was also considering applying for a gang injunction to address their gang issues in a couple of specific geographical areas within the City. Again, they have identified specific areas that their gangs have tried to take over and were committing crimes.

He said the Police Department was addressing the gang issue. The gang officers regularly meet with Probation, Parole, Lompoc Police Department, Santa Barbara County Sheriff's Department, Santa Barbara Police Department gang officers and now ICE to address the gang issues within the County. The Department shared all gang information and would be conducting large scale collaborative sweeps of gang members like the one conducted over a month ago.

He said if at anytime the Police Department could clearly demonstrate that a gang injunction would be appropriate, he would not hesitate to apply for and aggressively pursue obtaining one. In the meantime, the Police Department would continue to aggressively go after all gang members with every resource available.

PUBLIC COMMENT

Sister Janet Corcoran talked about former Councilmember Leo Trujillo. She also spoke on the Housing Element as she could not stay until the item was heard. She said food, clothing, healthcare, and housing were basic essential needs for life. Much more needed to be done to accommodate the housing needs of the people of Santa Maria. Since 1990, only 283 affordable housing units have been built within the City. 49 percent of owner and rental occupied housing was overcrowded. She had been in homes where family members were sleeping on cots in the garage with no heat. Two thirds of the jobs in Santa Maria were in the lowest-income sectors of agriculture, retail and service.

Richard Dydell reported that he and his fellow volunteers had to give up on getting a H2-A ordinance passed in the County. Some organizations that were very powerful and had lots of money were suing cities and counties to stop these ordinances from being enforced. It was costing the cities and counties too much money to defend the lawsuits.

Gwen Wood reminded the City Council that two weeks ago she presented an 18-page list of violent crimes in the City in the last three years. She talked about the need for a gang injunction and reported on the effectiveness of a gang injunction in Fairfield. She believed that a gang injunction would work in Santa Maria.

Paula James said that even though the City may not be ready for a gang injunction at this time, it was close. She submitted a report to the City Council from the Los Angeles City Attorney's office. She talked about the gang problems in Oxnard and Salinas, and said she didn't want to see Santa Maria going down the same path.

Mickey Freeman stated in July 2007, California's Governor signed AB 104 that enabled City Attorneys to more easily pursue gang injunctions. The law ensured that City Attorneys were able to access criminal history information to support their petitions.

Chuck Williams stated he received an email from a good friend of his regarding illegal immigrants in the State of Arizona. The problem with illegal immigrants was not just in Santa Maria, it was nationwide. It was a matter of enforcing the law. He commended Chief Macagni for the checkpoints.

Tom Davidson stated the Santa Maria Police Department was doing a good job, but they were out numbered. There were more gang members than Police Officers. If someone did not take a proactive step, the City would end up like Salinas where it was becoming a full-blown war.

CONSENT CALENDAR
Councilmember Zacarías requested Item 3G be pulled for comment.

Item 3G – Award of Bid for the Intermodal Transit Center
Councilmember Zacarías thanked the City's team and staff members for all their work in getting the Transit Center to this point. She reported that the winning bid was a contractor from Santa Maria.

Consent Calendar Items A through G were approved on motion by Councilmember Orach, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of November 17, 2009, were approved as submitted.

C. WARRANTS
Warrant Nos. 154890 to 155194 totaling $2,288,474.89 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 154793 and 155043 were cancelled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ORDINANCE NO. 2009-24
The City Council conducted the second reading by title only and adopted Ordinance No. 2009-24 adding Chapter 9-17 to the Santa Maria Municipal Code to allow for the use of a non-lethal type of electric security fence in commercial and industrial zones of the City.

Ordinance No. 2009-24 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADDING CHAPTER 9-17 TO THE SANTA MARIA MUNICIPAL CODE, RELATING TO ELECTRIC FENCES

F. STATION CONSTRUCTION GRANT
Resolution No. 2009-172 was adopted approving the acceptance of funds awarded to the City through the Station Construction Grant Program in the amount of $4,368,907 for the construction of the northwest and northeast Fire Stations.

Resolution No. 2009-172 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACCEPTANCE OF FUNDS AWARDED TO THE CITY THROUGH THE STATION CONSTRUCTION GRANT PROGRAM UNDER THE AMERICAN RECOVERY REINVESTMENT ACT OF 2009.

G. AWARD OF BID

Resolution No. 2009-173 was adopted awarding the bid and approving a contract for the SMAT Intermodal Transit Center, Bid No. 2010/03, to Vernon Edwards Constructors, Inc., in the amount of $3,553,000.

Resolution No. 2009-173 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH VERNON EDWARDS CONSTRUCTORS, INC., FOR SMAT INTERMODAL TRANSIT CENTER, BID NO. 2010/03.

APPOINTMENT TO PLANNING COMMISSION.

Chief Deputy City Clerk Perez gave the staff report. The City Council is requested to make one appointment to the Planning Commission to fill the unexpired term of former Commissioner Etta Waterfield. The nomination will be made by Councilmember Patino. The term will expire January 31, 2011. One application was received from Richard Quandt.

Councilmember Patino nominated Richard Quandt to fill the unexpired term on the Planning Commission.

On motion by Councilmember Patino, seconded by Councilmember Cordero, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

the appointment of Richard Quandt to the Planning Commission was confirmed.

2009 DRAFT HOUSING ELEMENT OF THE GENERAL PLAN, FILE NO. GP-2009-001 AND E-2009-034.

Advance Planner Smith gave the staff report. Council is asked to review a recommendation from the Planning Commission to authorize the filing of a Negative Declaration for E-2009-034, approve the 2009 Draft Housing Element for the purpose of submission to the State Department of Housing and Community Development (HCD) for review and authorize the Director of Community Development to forward the Draft Housing Element to HCD pursuant to Government Code Section 65585. The 2009 Draft Housing Element amends the 2006 Housing Element, previously approved by the City Council, and subsequently certified by the State Department of Housing and Community Development. In this update, the City's Housing Element is expected to accommodate the recently adopted "Regional Housing Needs Allocation (RHNA)" of 3,200 new dwelling units, as assigned by the Santa Barbara County Association of Governments on June 19, 2008. It is a reduction from the previous Housing Element. The City is not required to build the housing, but rather to demonstrate that it has sufficient vacant land so the private market could construct the housing. Additionally, the 2009 update slightly modifies five action steps, incorporates new State law requirements regarding emergency shelters, and makes certain editorial changes.

On November 4, 2009, the Planning Commission adopted Resolution No. 2553 recommending the City Council approve a Negative Declaration on a 4-0 vote, and Resolution No. 2554 recommending the City Council approve the 2009 Draft Housing Element for submission to HCD on a 3-1 vote with Commissioner Andrade dissenting.

Councilmember Orach said he understood that the Draft Housing Element had to be submitted to the State by the end of December and asked if there was a time limit for the State to respond with comments.

Advance Planner Smith explained that after submitting it, the State had 60 days to review it and respond. Staff planned to have the final Housing Element to the Council in March for approval after receiving the State's comments.

Mayor Lavagnino opened the public hearing.

Joan Leon, Santa Maria Community Coalition, stated that rather than giving a density bonus, the Coalition would like to see the City adopt an ordinance that would require affordable units to be included with market-rate housing. The City should allow manufactured housing developments and seek funding for the four Community Housing Development Organizations (CHODOs). The Coalition would like the City Council to put an item on a future agenda to discuss how to encourage more affordable housing. Garage conversions were still an issue in the City. The garage conversions still existed in the Housing Element, only the language had been changed. The City needed to have a stronger requirement that some of the units in any development be affordable.

Richard Brown, Habitat for Humanity, stated his concern about the Housing Element was that the emphasis continued to be on building apartments rather than single family homes. There needed to be more emphasis on individual homeownership. There seemed to be an emphasis on rehabilitation of homes by the City rather than organizations like Habitat for Humanity. Habitat for Humanity was a CHODO. They had the ability to get things done. They would be presenting a project of between 20 and 30 senior housing units using manufactured housing.

Fred Lamont, Housing Authority of Santa Barbara County, spoke about the need for a variety of housing units. He paid tribute to two gentlemen - Ted Zenich and Leo Trujillo. Developing affordable housing was very difficult from both a political standpoint and a financial standpoint. When Ted Zenich was built, the vast majority of financing came from federal low-income tax credits. That was a mechanism where corporations who wanted to reduce their tax liability, purchased tax credits to build affordable housing in return for getting a direct federal credit against their federal income tax.

Deborah Brasket, SBCAN, stated the Housing Element mandate by the State was because they realized that affordable housing was not being built. What had been done in the past was not working to create affordable housing. Two-thirds of Santa Maria's jobs were in the three lowest-income brackets. Fifty-five and a half percent of the population fell into the low- or very low-income level. Forth-nine percent of the owner- and renter-occupied units were overcrowded. Forty-seven point six percent of renters and 26 percent of homeowners were overpaying for housing. Since the 2006 Housing Element was adopted, only 24 affordable housing units had been built to meet the needs of low-income families. There were many things that could be done to provide more incentives for building affordable housing. One of the easiest things would be a housing policy for affordable housing to make sure that a significant proportion of housing units were for low-income families.

Laurie Tamura stated she had worked with Housing Elements in many jurisdictions in Santa Barbara and San Luis Obispo Counties. She congratulated the City for not adopting any type of inclusionary zoning. The manufactured housing option was a good one; however, once the foundation, lot improvements, and garage were added, it ended up costing more than a stick-built house. Right now, the City of Santa Maria had thousands of affordable housing units. There are hundreds of units around $150,000 that are considered low-income for Santa Barbara County. This was the time people should be getting into market-rate homes without any ties.

Hearing no further requests to speak, Mayor Lavagnino closed the public hearing.

Councilmember Zacarias stated a $150,000 home was not affordable for the low-income people in the City. She referenced Page III-5, #2 Overcrowding and said she objected to the language. She felt it was a mischaracterization of what was happening in the community. It was a disservice to excuse or justify overcrowding that she believed was

due to the serious economic cost to families to have housing. She asked that the language be stricken beginning with "While the US Department..." through "The trend..."

Councilmember Patino said she felt it was important to reference the US Department of Housing and Urban Development (HUD) standards.

Advance Planner Smith indicated that HUD could be added at the beginning of the next paragraph where it said "overcrowding is defined by the Census..." since the Census took its direction from HUD.

On motion by Councilmember Zacarías, seconded by Councilmember Cordero, and carried unanimously the requested language was stricken from Page III-5, #2 and the words "and HUD" were added to the next paragraph.

Councilmember Zacarías asked if there were areas of the City that were specifically zoned for manufactured housing.

Advance Planner Smith replied that there were a variety of regulations dealing with manufactured housing. As a general rule, if it met certain industry standards, it was treated like a single-family home.

Mayor Lavagnino asked what happened to the manufactured housing project that had been approved.

Community Development Director Appel explained that the developers would be coming back with a revised project for stick-built houses rather than manufactured houses because it was cheaper to build stick-built homes.

Councilmember Cordero stated he received a lengthy briefing on this document. There had not been a lot of low-income housing units built. He asked if inclusionary housing was the same as requiring low-income units in every development.

Community Development Director Appel explained what inclusionary housing was. Because the City had land available for higher density projects, it did not need to have inclusionary housing. The City was more than meeting the requirements of the State's RHNA numbers.

Councilmember Cordero stated he planned to support sending the Housing Element to the State, but he would like to have some additional brainstorming take place to see how more low-income housing could be built. There had not been enough low-income housing built in the community. The City should be looking at policy setting that would try to close that gap.

Councilmember Patino referred to Page VI-3, Program 7, of the Housing Element regarding garage conversions. She said she understood that garage conversions were not permitted. The reason was that it impacted the whole neighborhood by putting more cars on the street. She also referenced #2 under Program 10, accommodations for farm workers, seniors, and persons with disabilities. It came up at one of the workshops that there were not enough rooms for rent for seniors and persons with disabilities.

Councilmember Zacarías stated she thought the decision was to allow legal garage conversions, but not allow it as a second unit.

Community Development Director Appel explained that as long as it did not have a second kitchen, it was not a second unit. It was just additional space for people to live or rent out. It was not for the purpose of creating a second unit. If there was a legal garage conversion in a single-family home, a carport was required to be constructed.

Councilmember Patino referenced Program 11, Page VI-4, regarding a requirement for emergency shelters. She asked if the City would have to determine locations for emergency shelters under State law.

Advanced Planner Smith replied that the City would have to look at that and had one year from adoption of the Housing Element to do it.

Councilmember Zacarías stated she had one correction to the Table of Community Services, Page III-23. Santa Barbara Family Care Center provided emergency child care subsidies, not services.

Resolution No. 2009-174 approving a Negative Declaration of Environmental Impact was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-174 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DIRECTING THE FILING OF A NEGATIVE DECLARATION, E-2009-034, FOR THE 2009 DRAFT HOUSING ELEMENT OF THE GENERAL PLAN, GP-2009-001.

Resolution No. 2009-175 approving the 2009 Draft Housing Element for submittal to the Department of Housing and Community Development was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-175 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE 2009 DRAFT HOUSING ELEMENT OF THE GENERAL PLAN, AND DIRECTING STAFF TO FORWARD THE 2009 DRAFT HOUSING ELEMENT OF THE GENERAL PLAN TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THEIR REVIEW AND COMMENT, GP-2009-001, E-2009-034.

Mayor Lavagnino announced that Items 6, 7 and 8 would be grouped together with one staff report.

PROGRAM INCOME REUSE PLAN FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT (HERA) OF 2008.

HOMEBUYER ASSISTANCE PROGRAM GUIDELINES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008.

ACQUISITION, REHABILITATION AND DISPOSITION PROGRAM GUIDELINES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AUTHORIZED BY THE HOUSING AND ECONOMIC RECOVERY ACT OF 2008.

Community Programs Manager Coelho-Hudson gave the staff report. The City Council is requested to conduct public hearings to receive public comments on a Program Income Reuse Plan, Homebuyer Assistance Program Guidelines, and Acquisition, Rehabilitation and Disposition Program Guidelines for the Neighborhood Stabilization Program (NSP) and authorize the City Manager or any designee(s) to submit the approved plan and guidelines to the State Department of Housing and Community Development (HUD). The Neighborhood Stabilization Program was authorized under the Housing and Economic Recovery Act of 2008 that was approved by Congress in July 2008. The program targets those areas experiencing particularly high foreclosure

and property abandonment problems. Initially, the City did not qualify as a direct grantee to HUD or as a direct grantee to the State for a portion of their funding. However, earlier this year the State changed their methodology for calculating the allocations, and the City became eligible as a direct grantee to the State for $1,258,602. The approval of the grant was conditioned on compliance with the requirements of all applicable statutes, regulations, and guidelines of the NSP, including adoption of a Program Income Reuse Plan, Homebuyer Assistance Program Guidelines, and Acquisition, Rehabilitation and Disposition Program Guidelines.

Program Income Reuse Plan

Councilmember Zacarías stated one of the things mentioned with the Housing Element was how to take advantage of the lowered housing prices. She asked if there were mechanisms described in the documents to allow the City to do that.

Community Programs Manager Coelho-Hudson explained that the funding was specifically for the purchase, rehabilitation, resale, or rental of foreclosed properties that were within certain target areas. Staff hoped to work with non-profit agencies that would be sub-recipients under the program. They might be able to acquire one or two multi-residential properties that the non-profit agency would retain and rent.

Mayor Lavagnino opened the public hearing for the three items. Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2009-176 approving a Program Income Reuse Plan was adopted on motion by Councilmember Orach, seconded by Councilmember Zacarías, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-176 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A PROGRAM INCOME REUSE PLAN FOR THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND AUTHORIZING THE CITY MANAGER AND ANY DESIGNEE(S) TO SUBMIT THE APPROVED PLAN TO THE STATE OF CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

Homebuyer Assistance Program Guidelines

Councilmember Patino asked if there was a definite length of time that the unit would have to remain owner-occupied.

Community Programs Manager Coelho-Hudson said she thought it was for 15 years. They would be securing the loan with a deed of trust.

Resolution No. 2009-177 approving the Homebuyer Assistance Program Guidelines was adopted on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-177 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE HOMEBUYER ASSISTANCE PROGRAM GUIDELINES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM AND AUTHORIZING THE CITY MANAGER AND ANY DESIGNEE(S) TO

SUBMIT THE APPROVED GUIDELINES TO THE STATE OF CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

Acquisition, Rehabilitation and Disposition Program Guidelines

Councilmember Patino stated on Page 5 it said the City would approve or disapprove an application within five days and asked if the City would be able to do that. She also asked about the lead-based paint inspection and testing and said that would add an additional cost.

Community Programs Manager Coelho-Hudson explained that the City would be working with sub-recipient agencies which would be looking for properties in the target areas. They would be submitting properties for preliminary approval which the City would turn around within five days. They already dealt with the lead-based paint testing. It could be expensive if there was remediation required; however, the testing was not that expensive and would only apply to households with children under six.

Resolution No. 2009-178 approving the Acquisition, Rehabilitation and Disposition Program Guidelines was adopted on motion by Councilmember Zacarías, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Cordero, Orach, Patino, Zacarías, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2009-178 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ACQUISITION, REHABILITATION AND DISPOSITION PROGRAM GUIDELINES FOR THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AND AUTHORIZING THE CITY MANAGER AND ANY DESIGNEE(S) TO SUBMIT THE APPROVED GUIDELINES TO THE STATE OF CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT.

Councilmember Orach stated this was $1,258,602 in funding, which was great. However, the management, administration, and oversight that would be required was going to take a lot of staff time. Non-profit agencies were now dying because they didn't have the funds to do anything.

ENVIRONMENTAL REVIEW OF THE WATERLINE INTERTIE PROJECT AND APPROVAL OF AN AGREEMENT WITH THE NIPOMO COMMUNITY SERVICES DISTRICT ON THE SALE AND DELIVERY OF SUPPLEMENTAL WATER.

Director of Utilities Sweet gave the staff report. The City Council, acting as the Responsible Agency, is asked to approve an Environmental Impact Report and adopt mitigation measures for the Nipomo Community Services District (NCSD) Waterline Intertie Project, and approve an agreement with NCSD for the sale and delivery of supplemental water. NCSD needs to purchase supplemental water to offset groundwater overdraft. The Santa Maria Groundwater Litigation Stipulation required that the City seek to provide the Nipomo Management Area with 2,500 Acre Feet (AF) of supplemental water annually. The City has adequate water to fulfill this obligation. The NCSD and the City signed an MOU in 2004 to begin negotiations on a supplemental water sales agreement. The NCSD completed the preliminary design and certified an Environmental Impact Report for a Waterline Intertie Project to deliver the supplemental water to the community. They have also approved the Agreement with the City for the purchase of supplemental water. The City has water of sufficient quality and quantity to supply supplemental water to Nipomo; and, therefore, there were no significant environmental impacts to the City. The sale of supplemental water to Nipomo will be a judicial use of fiscal assets and will help with groundwater restoration and preservation by assisting in the balance of the groundwater basin.

In order for the City to deliver water to NCSD, a water delivery system must be constructed between the two existing water systems. The water delivery system, or

Nipomo Waterline Intertie Project (Project), is made up of water lines, pump stations and the necessary infrastructure to deliver water from one location to another. Construction of the water delivery system is the responsibility of the NCSD. The location for joining of the two water systems in Santa Maria will be near the intersection of West Taylor Street and North Blosser Road. A pipeline extension would run north on Blosser Road to the levee, under the levee and the Santa Maria River, and eventually to a connection in Nipomo. If NCSD receives the necessary financing for the Project, the delivery system is scheduled to be completed by the NCSD in January 2012.

Director Sweet requested a two-week continuance to address issues raised in a letter received today from San Luis Obispo Coastkeeper questioning water supply issues, impacts to the Santa Maria River, and whether the agreement required a separate legal review. The Environmental Impact Report was approved by the NCSD on April 22, 2009. There was a scoping meeting before the document was prepared, and there was a public comment and review period provided. At no time did the San Luis Obispo Coastkeeper provide input on this project until this morning. Staff has been working to develop a sustainable response, and felt the information was substantial and sustainable to respond to the letter. The two-week continuance would allow staff time to prepare a solid response to the letter.

Michael Le Brun, Nipomo Community Services District Interim General Manager, stated the District approved the agreement, was very supportive of this project, and felt it would be beneficial to both parties in the overall management of the groundwater basin.

Joan Leon, Santa Maria Community Coalition, referenced a table showing the City's water entitlement. She asked how the City could still get the full entitlement from the Twitchell Reservoir if the State Water allotment in a dry year was cut in half. It seemed that the figure for Twitchell was not accurate. The other concern was the water quality. One of the reasons for State Water was because of the dissolved solids in the ground water. If the City was going to have less State Water and use more ground water, what would happen to the water quality.

Director Sweet stated that although the City might not get its full allocation of State Water, the City could purchase State Water on the open market from the State. Staff believed that even in the worst draught scenario, the City would be able to provide enough high-quality water due to the revenue from this agreement. Part of why the City delivered high quality water was to discourage water softening in the Valley. There is a new State law that would allow the City to manage softening of water in the Valley. Staff was also exploring other more expensive options for delivering higher quality water that would need more public input. The Twitchell yield was based on a 30-year average.

Councilmember Zacarías stated she did not see any reference to what the facilities would look like and how they would be incorporated into the neighborhoods. She asked about the proposed tank sites and pump stations.

Peter Sevcik, NCSD Engineer, replied there would be no pump stations on the Santa Maria side. There would be an 18" line in the right-of-way of Blosser Road up to the Levee, an underground 24" pipe up to the top of the Mesa where there would be a half million gallon storage tank and booster pump station. The tank would be mostly buried and would be on the Nipomo side. At the time the EIR was prepared, the District had not completed all of its hydraulic analysis. They have since confirmed that no pump stations would be needed on the Santa Maria side.

Councilmember Orach moved to continue the item to the next City Council meeting, Councilmember Zacarías seconded the motion, and it carried unanimously.

CITY MANAGER'S REPORT

City Manager Ness reported on items anticipated for the December 15, 2009, City Council meeting including the continuation of the previous item, a Redevelopment Agency public hearing for the Five-Year RDA Implementation Plan Update, and appointment of Mayor Pro Tem for 2010.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Orach had no report.

Councilmember Zacarías reported that on November 20th, she led a tour of students with Mark van de Kamp through City Hall and the Council Chambers, and she attended the Drug Court Graduation on November 30th.

Mayor Lavagnino reported he attended the INC luncheon with Mayor Alvarez as the guest speaker on November 18th, and the SBCAG meeting on November 19th.

Councilmember Patino reported she attended the Art on Record at the Town Center Art Gallery and a Peace Week meeting.

Councilmember Cordero reported that on November 19th, he attended a United Way meeting and a meeting at Supervisor Centeno's office regarding gang issues in the community on November 24th.

CLOSED SESSION
The City Council recessed to a Closed Session at 8:35 p.m. to discuss Conference with Legal Counsel - regarding Existing Litigation pursuant to Subsection (a) of Government Code Section 54956.9 for Diana White v. City of Santa Maria, et al., Santa Barbara County Superior Court, Cook Division, Case No. 1272354.

Councilmember Zacarías announced that she would be out of the state for the next meeting and asked to participate via conference call and to submit her questions in writing prior to the meeting.

After the Closed Session, the following report was given:

Conference with Legal Counsel – Diana White v. City of Santa Maria – Director to staff was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned by Mayor Lavagnino at 8:55 p.m. in honor of former Councilmember Leo Trujillo.

APPROVED

December 15, 2009
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria